IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 1234 of 2001

Between:

Budithi Seethamma, W/o.Busanam,
R/o.Razole Lanka, Razole Mandal,
East Godavari District.

..... PETITIONER

AND

1 The Joint Collector,
East Godavari District, Kakinada.
2 The Revenue Divisional Officer,
Amalapuram, East Godavari District.
3 The Mandal Revenue Officer,
Razole Mandal, East Godavari District.
4 Myla Rama Das, S/o.Ankalu,
Razole, Razole Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in Writ of Mandamus declaring the action of the Respondents in taking steps to dispossess the petitioner from the land an extent of Ac.0.50 Cents in R.S.No.239/1 of Razole Lanka, Razole Mandal, East Godavari District pending appeal before the 1st Respondent against the orders of the 2nd Respondent in Ref.No.M/14/2000 dt:30.10.2000 as arbitary, illegal and violative of the fundamental rights guaranteed under Constitution of India and Consequently direct the respondents not to dispossess the Petitioner from the said

land.

Counsel for the Petitioner: MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR Assignment.

Counsel for the Respondent No.4: Mr.Ch.Dhanamjaya

The Court made the following :

ORDER:

The petitioner seeks writ of mandamus declaring the action of the respondents in taking steps to dispossess her from the land of an extent of Ac.0.50 cents in R.S.No.239/1 of Razole Lanka, Razole Mandal, East Godavari District, pending appeal before the first respondent against the orders of the 2nd respondent in Ref.No.M/14/2000 dated 20.10.2000 as illegal and arbitrary and consequently direct the respondents not to dispossesses the petitioner from the said land.

It is the case of the petitioner that she is in possession of Ac.0.50 cents of land covered in R.S.No.239/1 of Razole Lanka village. But one Smt.M.Indirabai filed a petition for restoration of the said land in her favour on the ground that it belongs to her. The said representation of Smt.M.Indirabai was enquired into by the Mandal Revenue Officer and by order dated 19.3.1998 he has ordered for the resumption of the said land under Section 4(i) of the A.P. Assigned Land (Prohibition of Transfer) Act, 1977 and directed the Mandal Revenue Inspector, Razole to take possession of the land after evicting the third party and hand over possession of the same to the petitioner herein. Against the said order, the 4th respondent herein filed an appeal before the Revenue Divisional Officer, Amalapuram and the Revenue Divisional Officer by order dated 22.12.1998

confirmed the order passed by the Mandal Revenue Officer. Against which, the 4th respondent filed an appeal before the Joint Collector, East Godavari District. The Joint Collector, East Godavari District, remanded the matter to the 2nd respondent. It is submitted that pursuant to the remand order, the 2nd respondent reversed the order of the Mandal Revenue Officer. Against which, the petitioner herein filed an appeal before the first respondent.

Admittedly, the said appeal is pending before the first respondent. The petitioner submits that she is in possession of the land. The learned counsel appearing for the 4th respondent submits that pursuant to the order passed by the 2nd respondent, he is in possession of the land. I am not inclined to appreciate the rival contention and having regard to the facts and circumstances of the case, the first respondent is directed to dispose of the appeal as expeditiously as possible. Till then, status quo regarding the possession of the land as on date shall be maintained by all parties.

The writ petition is, accordingly, disposed of. No order as to costs.

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(V.ESWARAIAH, J.)

17.3.2005

kpr

To

1 The Joint Collector,
East Godavari District, Kakinada.
2 The Revenue Divisional Officer,
Amalapuram, East Godavari District.
3 The Mandal Revenue Officer,

Razole Mandal, East Godavari District.

4. 2 copies to the Govt. Pleader for Assignment, High Court Buildings, Hyderabad (OUT).

5. 2 C.D. copies